1803.

SUPREME COURT OF THE UNITED STATES.

No. 87.

THE UNITED STATES, APPELLANT,

VERSUS

JOHN HUERTAS.

APPEAL FROM THE SUPERIOR COURT OF EAST FLORIDA.

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Before the honorable the Judge of the superior court for the eastern district of Florida, and specially authorized by law to receive and adjudicate claims and titles to land in the district of East Florida:

Be it remembered that, on the twenty-second day of May, in the year of our Lord one thousand eight hundred and twenty-nine, John Huertas, by John Lee Williams, his attorney, brought and filed in the clerk's office of the superior court for the eastern district of Florida, his petition or claim to certain land therein mentioned; which said petition or claim is in the words and figures following, to wit:

To the honorable Joseph L. Smith, Judge of the Superior Court of the district of East Florida:

Petition for confirmation.

The petition of John Huertas respectfully showeth, that he claims title to fifteen thousand acres of land on the east side of St. John's river, in three several tracts: the first situated at a place called Tocoy, containing five thousand acres, as may be seen by the

plat of Andrew Burgevin, filed herewith, dated 19th September, 1818; the second of six thousand acres, at a place called Buena Vista, as may be seen by the plat of the same surveyor, bearing date 21st of May, 1820; the third of four thousand acres, at a place called Big Cypress, as may be seen by the plat of the same surveyor, bearing date 26th June, 1820; the whole amounting to fifteen thousand acres.

And your petitioner further shows, that the above grant was made to him on the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and fourteen, for the purpose of keeping a cow-pen, and of raising black cattle; and he having complied with the conditions of the concession, a royal title was conferred on him by Don José Coppinger, governor of the province of East Florida, on the twenty-fourth day of December, in the year of our Lord one thousand eight hundred and seventeen, as will more fully appear, reference being had to the documents herewith exhibited, marked . And your petitioner further shows, that the said tracts of land were surveyed, in pursuance of an order of the said Governor Coppinger, by Andrew Burgevin, as will be more fully seen by the plats herewith exhibited, certified by the said surveyor.

And your petitioner further shows, that, at the period of the change of flags between the King of Spain and the United States, he was in legal possession of the said granted and above-described lands; and that he hath since disposed of some portions thereof to Mr. Anthelm Gay and Mr. Francis J. Avice. And he further shows that he hath submitted his claim to the board of land commissioners appointed under the act of Congress of the eighth of May, in the year of our Lord one thousand eight hundred and twenty-two, for the purpose of settling titles to land in East Florida; which board, finding the evidence of an absolute title perfect, recommended the same to Congress for confirmation, but did not report it antedated or forged. It is one of those grants embraced by the treaty of 1819.

In consideration whereof, your petitioner prays that the validity of his title may be inquired into and decided by this honorable court; and that a copy of this, his petition, together with a citation, may be served on Thomas Douglass, esquire, attorney for the United States in said district, and the United States be made a party thereunto, and that, on a full hearing of the cause, a decree may be entered in favor of your petitioner, that the above described land be confirmed to him.

And your petitioner, as in duty bound, will ever pray, &c.

JOHN LEE WILLIAMS,
Attorney for petitioner.

A copy of the foregoing petition, with a citation thereto annexed, was delivered to the marshal of this district, to serve on the attorney of the United States for this district; and the return of the said marshal thereon is in the words and figures following, to wit:

"Served copy on Thomas Douglass, esquire, United States' attorney, the 8th June, 1829.

WATERS SMITH, *Marshal.*"

And afterwards, to wit, on the first day of July, in the year of our Lord one thousand eight hundred and twenty-nine, Thomas Douglass, esquire, United States' attorney for the district of East Florida, brought and filed

in the clerk's office aforesaid his answer to the said petition; which said answer is in the words and figures following, to wit:

Superior Court, November Term, 1829.

THE UNITED STATES OF AMERICA *ats.* JUAN HUERTAS.

Answer of United States' attorney.

The answer of Thomas Douglass, United States' attorney for the district of East Florida, to the petition or bill of complaint of Juan Huertas. The said attorney, in the name, and for and on behalf of the said United States, saving and reserving to them now, and at all times hereafter, all and all manner of benefit of exception to the manifold errors, defects, and irregularities in the said petition or bill of complaint contained, for answer thereunto, or unto so much thereof as it is material and necessary for them to answer unto, answereth and saith: that whether any such grant of land was made to the said Juan Huertas, on the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and fourteen, for the purpose of keeping a cowpen, and raising black cattle; or, if any such grant was ever made, whether he, the said Juan Huertas, complied with the condition of the concession, or whether a royal title was made and confirmed to the said Juan Huertas by the said Don José Coppinger, governor of the province of East Florida, on the twenty-fourth day of December, in the year of our Lord one thousand eight hundred and seventeen, as the said Juan Huertas has, in h s petition or bill of complaint aforesaid, alleged and set forth, or whether any such surveys of the said lands, as are therein mentioned and described, were ever made; or whether the said Juan Huertas was ever in possession of the said tracts of land, or any of them, this respondent does not know, and cannot, therefore, either admit or deny the same; nor has he any knowledge thereof, except what he has derived from a perusal of the said petition or bill of complaint, and of the exhibits thereunto annexed; and, from an examination of the petition and accompanying documents of Anthelm Gay, who this respondent avers, claims title to the said five thousand acres of land aforesaid, situated at Tocoy aforesaid, under and by virtue of a deed of conveyance from the said Juan Huertas to him, the said Anthelm Gay, bearing date on the seventh day of July, 1821, as will more fully appear by reference to the petition or bill of complaint of the said Anthelm Gay, and of the exhibits thereunto annexed, now on file amongst the records of this honorable court: the said Francis J. Avice not having exhibited any claim for the portion so sold or conveyed to him, as in said petition or bill of complaint mentioned.

And this respondent avers that if any such grant of land was ever made to the said Juan Huertas, and confirmed to him by Don José Coppinger by a royal title, as in the said petition or bill of the said Juan Huertas alleged and set forth, it was made and confirmed contrary to, and in violation of, the laws, ordinances, and royal regulations of the Government of Spain, which were in force in the said province of East Florida at the time when the said supposed grant is alleged to have been made providing for the granting of lands in its provinces, of which said provinces, the said East Florid. was one, and without any authority on the part of the said Governor Coppinger to make or to confirm it; and that it was never approved by the said Government of Spain, and that it was, and is wholly, null and void;

all of which will more fully appear by reference to the said laws, ordinances, and royal regulations, which this respondent prays leave to introduce and read on the hearing of this cause. And this respondent farther saith that if the said Governor Coppinger had possessed competent power and authority to make the said grant, and to confirm it, and the same had been good and valid, still it would have given to the said Juan Huertas no right of soil in said lands whatever, nor any other right thereto, except to use and occupy the said tracts of land for the purpose of keeping a cowpen, and raising black cattle; and that the said Juan Huertas has, for a long space of time, to wit, for the space of more than ten years last past, wholly and entirely failed and neglected to use and occupy the said tracts of land, or any of them, for the purposes aforesaid, and has thereby forfeited and lost all right and title (if any he ever had) in and to the said tracts of land, and in and to each and every of them. And this respondent prays this honorable court to require of the said Juan Huertas due proof of the making and confirmation of the said supposed grant, (if any such was made and confirmed as aforesaid,) and of all the matters and things in the said petition or bill of complaint alleged and set forth, as they are therein stated, according to law and the usages of courts of equity. And further, that he may be required to show and prove, upon the hearing of this cause, the specific powers which had been conferred by the said Government of Spain upon the said Governor Coppinger, at the time when the said supposed grant is alleged to have been made as aforesaid, to make grants of lands in East Florida; and, particularly, that he may be required to show and prove the specific powers under which it is claimed, that the said supposed grant was made, and under which the said Governor Coppinger claimed, to act in confirming the same by royal title, if any such confirmation took place.

And this respondent admits that the said Juan Huertas presented his claim to said lands to the board of commissioners in his said petition or bill of complaint mentioned, and that the said board reported in favor of the confirmation thereof; but denies that the said board found the evidence of an absolute title complete or perfect, or that the said Juan Huertas has any such perfect title to the said tracts of land, or either of them. And this respondent further saith that, at the time when the said supposed grant is alleged to have been made as aforesaid, it was, and for a long space of time had been, the fixed and settled policy of the Government of Spain to parcel out its colonial domain in reference solely to the objects of increasing the population of its colonies, and of benefitting its indigent subjects; and that, according to that policy, grants for the purpose of speculation were never tolerated by the said Government; and that the grant aforesaid (if obtained at all) was, from the showing of the said Juan Huertas himself, obtained for the purpose of speculation only. And this respondent suggests that the said grant, if made at all, was made since the twenty-fourth day of January, in the year of our Lord one thousand eight hundred and eighteen, and that it is rendered null and void by the latter clause of the eighth article of the treaty of the twenty-second of February, 1819, between the same United States and his Catholic Majesty, the King of Spain; and that, if the said grant of the said lands was made as alleged in the said petition or bill of complaint, the said Juan Huertas has, by a total failure to occupy, improve, or cultivate the same for the space of more than twelve years last past, wholly forfeited and lost all his right and title (if any he ever had) thereto.

And now, having fully answered all the matters and things in the said petition or bill of complaint alleged, the said attorney prays the said United States may be hereof discharged, and that their reasonable costs and charges by them, in and about the defence of this suit paid, laid out, and expended, may be adjudged and decreed to them, &c.

THOMAS DOUGLASS,
United States' Attorney.

And afterwards, to wit, on the thirtieth day of July, in the year of our Lord one thousand eight hundred and thirty, the said John Huertas, by his said attorney, brought and filed in the clerk's office aforesaid his replication; which is in the words and figures following, to wit:

Superior Court of the Eastern District of Florida, St. John's County, to wit:

Replication. The replication of John Huertas to the answer of Thomas Douglass, esquire, attorney for the United States, defendant.

And this replicant, saving and reserving to himself all and all manner of advantage of exception which may be had and taken to the manifest errors, uncertainties, and insufficiencies in the answer of the said defendant, for replication thereunto says, that he does, and will aver, maintain, and prove his said bill to be true, certain, and sufficient in law to be answered unto by the said defendant; and that the answer thereunto is very uncertain, evasive, and insufficient in the law to be replied unto by this replicant, without that, that any other matter or thing in the said answer contained material or effectual in the law to be replied unto, confessed or avoided, traversed or denied, is true; all which matters and things this replicant is ready to aver, maintain, and prove, as this honorable court shall order and direct; and humbly prays, as in and by his said bill he hath already prayed.

JOHN LEE WILLIAMS,
For Complainant.

Documents offered and received in evidence in this case on behalf of the said claimant, to wit:

No. 1.

TRANSLATION.

To his Excellency the Governor:

Memorial to Spanish Gov't for grant. Don Juan Huertas, an inhabitant of this place, with due respect, states to your excellency that, as he employs himself in the pursuits of agriculture, and in the growth of neat cattle, in order to supply the province with fresh beef, he therefore wishes to obtain a sufficient quantity of land for cultivation, and for the pasture of said cattle; and having been informed that lands called Tocoy, on the river St. John of this province, are vacant, and as they were well calculated for that purpose, I confidently hope, from the goodness of your excellency, that you will be pleased to grant him fifteen thousand acres under the following limits, five thousand of which to be located in the place called Tocoy, five miles above Picolata, bounding north by Don Manuel Solano's land, south by vacant lands, and west by the river St Johns; and ten thousand more on the margin of the river, above the first tract, about twelve

miles distant from it, which place is called Bryant's Lowest landing: bounded south by the land of Juan Moore, and thence east to the head of Deep creek, comprehending the east and west sides of said creek; and bounded north by the southwest line of Tocoy, and west by the river St. John: for the whole of which your petitioner supplicates your excellency that, in consideration of the services which he has rendered to this Government both in defending the country and carrying despatches to the Indians, and in supplying this place with beef in the most critical times, when it was invaded by the American troops, and by the insurgents of the province, you be pleased to grant him the mentioned fifteen thousand acres of land, and to issue to him the corresponding certificate which may serve him as his security in all events: favor which he hopes to receive from the justice of your excellency. St Augustine of Florida, October, 1814.

JUAN HUERTAS.

Decree.

ST. AUGUSTINE OF FLORIDA,
26th October, 1814.

Grant for 15,000 acres to John Huertas.

As it is notorious that Don Juan Huertas and all his family are laborious and industrious, and that always they have employed themselves in raising cattle, supplying with beef the royal domain and the public in all times, particularly in times of the greatest scarcity and affliction, to which this place was involved owing to the insurrection of the inhabitants, which took place in the year 1812; and as therefore, it is very convenient to favor the increase of this branch of industry, so useful and necessary to the welfare of the province; and, as it is also convenient to favor the establishment of a cow-pen, such as the petitioner indicates in the environs of this said place, and considering also the services which he refers to, which are well known, I grant him the fifteen thousand acres of land which he solicits, in the places which he designates, under the terms comprehended in grants of this nature, without prejudice of a third party, and with the object of his establishing, with all possible brevity, the cow-pen which he proposes to establish. For which effect, and as a testimony of this grant, the corresponding certificate will be issued to the interested party from the secretary's office of the Government.

KINDELAN.

A certificate was issued on the 26th instant.

(*A Flourish.*)

No. 2.

TRANSLATION.

Royal title to Huertas for 15,000 acres.

Title of property in favor of Don Juan Huertas of 15,000 acres of land.

Don Jose Coppinger, colonel of the royal armies, civil and military governor pro tem., and chief of the royal finance of this city and province, by his Majesty: Whereas, by royal order communicated to this Government the 29th October, 1790, by the captain general of the island of Cuba and the two Floridas, among other things it is provided, that to strangers who, of their own free will, shall present themselves to swear allegiance to our

sovereign, lands should be laid out for them free of expense, in proportion to the number of laborers each family may have; which favor has been also extended to all the inhabitants and residents in this province who may dedicate themselves to the increase of industry and agriculture. That Don Juan Huertas, having presented himself, he solicited of this Government the concession of fifteen thousand acres of land as a compensation for his well-known services, and for the purpose of establishing a cow-pen and the raising of black cattle, which was granted him the 26th of August, 1814, in consideration of the truth of this petition, according to the following boundaries: five thousand acres at a place called Tocoy, five miles above Picolata, bounded on the north by the lands of Don Manuel Solano, on the southwest by vacant lands, on the west by the river St. Johns, and the remaining ten thousand acres on the bank of the river, about twelve miles above a place called the ferry, below B. Rayant's; bounded on the south by the lands of John Mure, and thence east to the head of Deep creek, taking in the east and west banks of the said creek; and bounded on the north by the southwest line of Tocoy, and on the west by the river St. Johns, as results from a certificate given by the secretary of this said Government, with the said date of the 26th August, 1814, which is found attached to the proceedings instituted by the above mentioned Don Juan Huertas, praying that the corresponding title of the said land be given him. Therefore, and in consideration that the above-mentioned Don Juan Huertas has fully proved his having established said cow-pen, and that he employs himself in the raising of cattle, complying with the object of said concession, as is seen by the said proceedings filed in the archives of the present notary, and according to my decree of the present month; I have therefore granted, and by these presents do grant, in the name of his Majesty, to the said Don Juan Huertas, his heirs and successors, the said fifteen thousand acres of land in absolute property; and I hereby, and by these presents, deliver him the corresponding title, by which I separate it from the royal domain, from the right and dominion it had in said land; and I cede and transfer it to the aforesaid Don Juan Huertas, his heirs and successors, that, in consequence thereof, they may possess it as their own, make use of and enjoy it free from any claim whatever, with all its entrances, outlets, uses, customs, rights, appurtenances, and all and in general which hath, doth, or may belong or pertain thereto; and, it being their wish, they may sell, cede, transfer, barter, and alienate it at their will and pleasure. To all of which I interpose my authority as far as possible, and according to law, in virtue of the sovereign will. Given under my hand, and countersigned by the undersigned notary of Government and royal finance, in the city of St. Augustine of Florida, the 24th December, 1817.

By order of his Excellency: JOSE COPPINGER.

JUAN DE ENTRALGO,
Notary of Government and Royal Finance.

No. 3.

TRANSLATION (OF ORIGINAL.)

To the Governor:

Petition for, and order of, survey.

Don Juan Huertas, resident of this city, to your excellency respectfully showeth, that, by the annexed document, it will be seen that he is owner of fifteen thousand acres of land in this province, and being desirous of knowing the boundaries thereof, he therefore prays your excellency will be pleased order that

Don Andres Burgevin, an intelligent person proposing to measure the same, being a favor he hopes to merit from your excellency. St. Augustine, Florida, the 3d September, 1818.

JUAN HUERTAS.

St. Augustine, 3d September, 1818. The request is granted, but, previously, the acceptation and oath of Don A. Burgevin must be taken, and notice be given to the persons having lands adjoining.

COPPINGER.

Before me:

JUAN DE ENTRALGO *Notary of Government.*

St. Augustine, on the same day, month, and year, I notified the preceding decree to Don Juan Huertas: I attest.

ENTRALGO.

On the same day, I made known to Don Andres Burgevin the appointment of surveyor, and, in consequence thereof, he accepted the same, binding himself, under oath, well and truly to comply with the duty assigned him; and signed: which I attest.

ANDRES BURGEVIN.

Before me:

JUAN DE ENTRALGO.

(Here follows the annexed three plats and certificates, and numbered 1, 2, and 3.)

No. 1.

TRANSLATION.

Don Andres Burgevin, surveyor appointed by a decree of this Government of the third instant: I do hereby certify that I have surveyed for Don Juan Huertas, a piece of land situated on the east side of the St. Johns, about six miles southward of Picolata, which contains five thousand acres of land, whose first line begins on the margin of the river, near the mouth of Tocoy creek, at a cypress marked H, and runs south 70° east 160 chains; the second begins at a pine marked H, runs south 110 chains, and terminates in a swamp; the third crosses the swamp, and runs east 100 chains; the fourth begins at a pine marked H, runs south 130 chains, and terminates on the bank of Deep creek: and that the following figure represents the plan of the same, and that I close this certificate in St. Augustine, East Florida, this 19th of September, 1818.

ANDRES BURGEVIN.

No. 2.

TRANSLATION.

Don Andres Burgevin, of this city, private surveyor: I certify that the following plat represents a tract of land containing six thousand acres, situated on the east side of the river St. John, being part of a concession of fifteen thousand acres granted by the Government, in absolute property, to Don Juan Huertas, for his services and losses; and, in witness whereof, I give the present; which I sign in St. Augustine, Florida, thirty-first of May, one thousand eight hundred and twenty.

ANDRES BURGEVIN.

No. 3.

TRANSLATION.

I, Don Andres Burgevin, an inhabitant of this place, and appointed surveyor by order of this Government, in behalf of the interested party, do certify that the following plat represents a tract of land containing four thousand acres, situated in a place called Big cypress, about thirty miles distant from this city, which tract is part of a concession of fifteen thousand acres in favor of Don Juan Huertas, as a compensation for his services and losses. In testimony whereof, I give the present in St. Augustine, on the 26th June, 1820.

ANDRES BURGEVIN.

The foregoing two documents, and numbered one and two, and the three surveys, with the certificates thereto annexed, are copies of translations made by the translator and interpreter of this court, from copies furnished and duly certified by the keeper of the public archives for East Florida. The document numbered three, is a translation made by the translator of this court, from the evidence on file in this court.

Superior Court, East Florida—May Term, 1832.

In open court, May 18, 1832.

Admission as to Huertas being a native of Florida.

JOHN HUERTAS *vs.* THE UNITED STATES.—*Land Claim.*

It is admitted by the parties in this case, that the claimant, John Huertas, is a native of Florida.

And afterwards, before the superior court for the eastern district of Florida, holden at the court-house in the city of St. Augustine, at the term of May, in the year of our Lord one thousand eight hundred and thirty-two, to which term this cause had come by regular continuance, to wit: on Friday, the eleventh day of said term, and the eighteenth of said month, the following decree of confirmation was entered of record in this cause, to wit:

JOHN HUERTAS *against* THE UNITED STATES OF AMERICA.—*Land claim* 15,000 *acres.*

Decree of confirmation.

Whereas John Huertas did, in pursuance of the act of Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," and approved the 23d day of May, 1828, on the 22d day of May, 1829, file his petition for the confirmation of certain lands therein mentioned, in the clerk's office of the superior court for the eastern district of Florida. And *whereas* the attorney of the United States for this district did duly appear and answer said petition; and this cause coming on to be heard this day, the said claimant, by his counsel, offered in evidence a copy from the office of the keeper of the public archives of the original grant on which this claim is founded, to the receiving of which, in evidence, the said attorney for the United States objected, alleging that the *original* grant *itself* should be produced, and its *execution* proved, before it could be admitted in evidence, and that the original only could be received in evidence; which objection was overruled by the court, and the copy from the office of the keeper of the public archives, certified according to law, was ordered to be received in evidence; and the court further ordered that though, by the express statute of this Territory, copies are to be received in evidence, yet, in cases where either the claimant or the United States shall suggest that the original, in the office of the keeper of the public archives, is deemed necessary to be produced in court, on motion therefor a subpœna will be issued, by order of the court, to the said keeper, to appear and produce the said original in court for due examination there, and such proceedings having been had herein, as that this claim was submitted to the court for its decree thereon; and the said court having examined the claim of the said petitioner, and the answer of the attorney of the United States, together with the evidence filed herein; and, having maturely considered the same, doth *order, adjudge*, and *decree*, that this claim is *valid*; and that, in accordance with

the laws and customs of Spain, and under and by virtue of the late "treaty of amity, settlement, and limits, between the United States of America and the King of Spain," ratified by the President of the United States on the 22d of February, 1821, and under and by virtue of the laws of nations, and of the United States, it is hereby *confirmed, adjudged,* and *decreed* unto the said claimant, to the extent, and agreeably to the boundaries, as in the three surveys made by Don Andrew Burgevin, and dated, the first, the 19th day of September, 1818, the second the 31st of May, 1820, and the third the 26th June, 1820, and filed herein, is set forth. The first survey is of five thousand acres, on the east side of the St. John's river, about six miles southward of Picolata, and has the following lines, to wit: the first line begins on the margin of St. John's river, near Tocoy creek, at a cypress marked H, and runs south seventy degrees east, one hundred and sixty chains; the second line begins at a pine marked H, and runs south one hundred and ten chains, and terminates in a swamp; the third line crosses the swamp, and runs east one hundred chains; the fourth line begins at a pine marked H, and runs south one hundred and thirty chains, and terminates on the bank of Deep creek. The second survey is of six thousand acres of land, situated at Buena Vista, on the river St. Johns: the first line of said survey runs from a stake on the margin of St. John's river, south twenty degrees east, seventy-five chains, to a stake marked ×; the second line runs from said stake north seventy degrees east, three hundred and forty-two chains, to another stake on the bank of the river St. John: the land is bounded on all other sides by the river St. Johns. The third survey is of four thousand acres of land, situated in a place called Big Cypress, about thirty miles distant from the city of St. Augustine: the first line of the survey thereof runs west to a pine tree two hundred chains; the second line runs from said pine tree south two hundred chains, to another pine; the third line runs from said last pine south two hundred chains; and the fourth line runs north two hundred chains, to the place of beginning.

And afterwards, before the superior court for the eastern district of Florida, holden at the court house, in the city of St. Augustine, at the term of October, in the year of our Lord one thousand eight hundred and thirty-two, to wit, on Saturday, the sixth day of said term, and the sixth of said month, the following appeal was entered of record in this case, to wit:

JOHN HUERTAS *against* THE UNITED STATES OF AMERICA.—*Land claim,* 15,000 *acres.*

Appeal. This day came Thomas Douglass, esquire, attorney of the United States for this district, and moved the court that an appeal be granted in this case, on behalf of the said United States, from the decree of this court to the Supreme Court of the United States; which is ordered accordingly.

And afterwards, before the superior court for the eastern district of Florida, holden at the court-house in the city of St. Augustine, at the term of May, in the year of our Lord one thousand eight hundred and thirty-three, to wit, on Monday, the eighteenth day of said term, and the tenth day of June, the following entry of record was made in this cause, to wit:

THE UNITED STATES *ats.* JOHN HUERTAS.—*Land claim,* 15,000 *acres.*

Revival of appeal.

NOW, on this day, came Thomas Douglass, esquire, United States' attorney for the district of East Florida, and suggests to the court now here that, since the granting of the appeal in the above case to the Supreme Court of the United States, a term of said court has intervened, and that the record herein has not been sent up to said court: wherefore, the said attorney, on behalf of the same United States, prays that the said appeal may be revived, and the order therefor extended, and a copy of the record in said cause, duly certified, may be sent up to the said Supreme Court before the first day of the next term thereof, to be holden on the second Monday of January next; and that a citation, with notice of said appeal, may be forthwith issued by the clerk of this court to the appellee, and that the same may be served by the marshal of said district upon the said appellee, or his solicitor or agent, and returned to this court within thirty days from the issuing thereof; which is ordered accordingly.

And afterwards, on the eleventh day of June, A. D. 1833, a citation of appeal, in pursuance of the above order, was issued in this case; which citation, and the return of the marshal of this district thereon, are in the words and figures following, to wit:

In the name, and by the authority, of the United States of America.

Citation of appeal.

To John Huertas, or to his agent, attorney, or solicitor, greeting:

You are hereby cited and admonished that an appeal has been taken, on the part of the United States, from the decree of the superior court for East Florida, to the Supreme Court of the United States, in a certain claim to fifteen thousand acres of land, wherein you, the said John Huertas, are claimant, and the said United States respondent; and that the record in said cause will be forwarded to the said Supreme Court, to be placed on the docket of said court at the next term thereof, to be holden on the second Monday of January next.

Witness, the honorable Robert Raymond Reid, judge of our said superior court, at the court-house in the city of St. Augustine, this eleventh day of June, A. D. 1833.

[SEAL.]

GEORGE GIBBS,
Clerk, per K. B. Gibbs, Dep. Clk.

THOMAS DOUGLASS,
United States' attorney for East Florida.

J. L. WILLIAMS,
Attorney for Claimant.

"Executed by delivering a true copy to J. L. Williams, esquire, attorney for the within named John Huertas, the said Huertas not being found in my district. June 20, 1833.

SAMUEL BLAIR, *Marshal.*"

SUPERIOR COURT, DISTRICT OF EAST FLORIDA, to wit:

I, George Gibbs, clerk of the said court for the district aforesaid, do hereby certify that the foregoing twenty-two pages and a quarter, contain a full, true, and complete transcript of the record and proceedings had in the case

therein named in my charge: and that the three surveys, and certificates thereto attached, and made a part of this record, are faithfully taken and copied from the said documents, as offered in evidence in said cause, on file in my office.

In testimony whereof, I have hereto set my hand, at the city of St. Augustine, this first day of July, one thousand eight hundred and thirty-three.

GEO. GIBBS, *Clerk.*

[L. S.] *By the honorable Robert Raymond Reid, Judge of the Superior Court for the District of East Florida.*

To all to whom these presents shall come, be seen, or made known, greeting:

Know ye, that George Gibbs, who hath signed the foregoing attestation, is clerk of the superior court for the district of East Florida; that all due faith and credit are, and ought to be, given to his acts as such; and that the foregoing attestation is in due form of law.

In testimony whereof, I have hereto set my hand, and caused the seal of the said court to be hereunto affixed, this first day of July, A. D. 1833, and of the independence of the United States of America the fifty seventh.

ROB'T RAYMOND REID.